IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Crl.MC.No. 3973 of 2006()

AGAINST THE JUDGEMENT/ORDER IN BA.6529/2006 Dated 08/11/2006
CRIME NO.683/06 OF KOYILANDY POLICE STATION.

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PETITIONER: ACCUSED:

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1. PAROTH DAMODARAN, AGED 60 YEARS,
   S/O. KELAPPAN NAIR, MOOKAMBIKAKRIPA MUCHUKUNNU,
   MOODADI AMSOM.

2. SULESH, AGED 27 YEARS,
   S/O. SOMAN NAMBIAR, SUMALATH HOUSE, MUCHUKUNNU,
   MOODADI AMSOM.

3. BALAKRISHNAN, AGED 37 YEARS,
   S/O. GOVINDAN, NELLIMADATHIL HOUSE, MUCHUKUNNU,
   MOODADI AMSOM.

4. KARUNAN, AGED 42 YEARS,
   S/O. CHEKKOTTI, KOROTH HOUSE, MUCHUKUNNU,
   MOODADI AMSOM.

5. PARAVATH DHANESH, AGED 26 YEARS,
   S/O. DAMODARAN, MOOKAMBIKAKRIPA, MUCHUKUNNU,
   MOODADI AMSOM.

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS: COMPLAINANT/STATE:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.K.A. AKBAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 3973 OF 2006

Dated this the 13th day of December, 2006

ORDER

The petitioners were released on bail, as per order dated 8/11/2006 in B.A.No.6529/06. They face allegations, inter alia, under Sec.307 read with Sec.149 of the IPC. They were released on bail subject to conditions. The co-accused have subsequently been released on bail on conditions which are qualitatively different from the conditions imposed on the petitioners. The petitioners have continued on bail and have been observing the conditions from 8/11/2006. It is prayed that the conditions may now be altered and modified.

2. The learned Public Prosecutor does not seriously oppose the application; but submits that the conditions may be permitted to remain until the final report/charge sheet is filed or until further orders.

3. I am satisfied that the condition imposed on the petitioners that they should not enter the Sessions Division of Kozhikode, can now be deleted. I am further satisfied that a condition that the petitioners like the co-accused must make

themselves available for interrogation before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays must be imposed.

4. In the result:

(a) This Crl.M.C. is allowed.

(b) The condition that the petitioners should not enter the Sessions Division of Kozhikode is deleted. The condition regarding appearance is modified and the petitioners are directed to make themselves available for interrogation before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays, until further orders.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge